

**OFFICE OF THE PUBLIC DEFENDER  
PERFORMANCE AUDIT  
JANUARY 2002**

**DEPARTMENT OF ADMINISTRATION  
BUREAU OF AUDITS  
ONE CAPITOL HILL  
PROVIDENCE, RI 02908-5889**



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration  
BUREAU OF AUDITS  
One Capitol Hill  
Providence, R.I. 02908-5889  
TEL #: (401) 222-2768  
FAX #: (401) 222-3973

January 29, 2002

Mr. John Hardiman, Public Defender  
Office of the Public Defender  
100 North Main Street  
Providence, RI 02903

Dear Mr. Hardiman:

We have completed a performance audit of the Office of the Public Defender in accordance with Sections 35-7-3 and 35-7-4 of the Rhode Island General Laws. Since no recommendations are contained in our report that follows, no further action is required by your agency.

We commend you and your staff in effectively and efficiently achieving the goals and objectives of the Office of the Public Defender.

Stephen M. Cooper, CFE, CGFM  
Chief, Bureau of Audits

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Office of the Public Defender  
Performance Audit  
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## **Background**

Title 12, Chapter 15 of the Rhode Island General Laws defines the organization and functions of the Office of the Public Defender (OPD) and mandates it to represent those who are without financial resources to retain private counsel. Its mission is to provide high quality representation to its clients, fulfilling the governmental obligation to provide effective assistance of counsel and to endeavor to secure fundamental fairness and due process for its clients. The OPD provides direct representation to indigent defendants charged with misdemeanors and/or felonies in all district and superior courts and maintains a statewide appellate office. Additionally, the public defender's office represents juveniles in delinquency proceedings and the parent or guardian in abuse and neglect cases.

The Office is headed by a Public Defender who is appointed by the Governor for a three-year term with the advice and consent of the Senate.

## **Objective, Scope, and Methodology**

We conducted a performance audit of the Office of the Public Defender for the fiscal year ended June 30, 2001 and through the period ended November 16, 2001. Our objectives were to determine if the Office of the Public Defender complied with state and federal laws and regulations and was providing quality representation in an economical and efficient manner to all indigents referred by all courts.

Our audit was made in accordance with the *Standards for the Professional Practice of Internal Auditing* issued by the Institute of Internal Auditors. In conducting our audit we evaluated the practices and procedures used by the Office of the Public Defender in administering its operations. To achieve our objectives we reviewed relevant policies and procedures, state laws and regulations, and applicable federal laws; interviewed personnel; and performed tests of the records and such auditing procedures as we considered necessary in the circumstances.

In the Summer of 1998 the Office of the Public Defender (OPD) entered into a contract with a nationally recognized criminal research and consulting firm specializing in indigent defense services. The purpose of the contract was to provide the OPD with a comprehensive study of its operations. The consulting firm issued their report to the OPD in February 1999.

The report contained 5 specific recommendations concerning the office's management structure, intake operations, personnel issues, and case tracking system. In addition to our examination of operations for the period under review, we performed follow-up testing of the firm's recommendations.

## **Conclusion**

The OPD complied in all material respects with the Office's program objectives and significant laws and regulations; operations were carried out in an economical and efficient manner; and recommendations made in the February 1999 consulting firm report were implemented.